THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 12077 of 2007

Dated: 18-06-2007

Between:

K. Subba Reddy

…. PETITIONER

AND

The Principal Secretary, Social Welfare Dept.,
Secretariat, Hyderabad and others.
.

…. RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 12077 of 2007

ORDER:

The case of the petitioner is that his father Late K.Nagi Reddy was in possession of land admeasuring Ac.1.95 cents in Survey Nos.128/3B and 128/5 situated at Kothapalle Village, Sodum Mandal, Chittoor District forming part of Punganur Zamindari. After the death of his father, petitioner came into occupation, dug a bore well and cultivating the lands. It is alleged that the 3rd respondent has identified the land in possession of the petitioner for being allotted to landless poor persons. The petitioner along with his brothers approached the Joint Collector requesting to drop such action. According to the petitioner, there is no necessity to take his land. Even while the said application is pending before the Joint Collector, it is alleged that the third respondent is trying to dispossess the petitioner by use of force. Hence, he seeks a writ of *Mandamus* directing the respondents not to dispossess him.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A).

The learned Assistant Government Pleader submits that the petitioner is admittedly in possession of Government land, and therefore, action was initiated in 1960 under the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). He, however, does not dispute that no order whatsoever was passed against the petitioner directing his eviction.

Therefore, this Court observes that unless and until proper procedure is followed as contemplated under the Law, the petitioner shall not be deprived of his right over the land, which is in his possession and his family statedly for over five decades. The petitioner also cannot be dispossessed without there being any order under the Act.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S. RAO,J)

18th June, 2007

Note: Furnish c.c. in three days
B/o
pnb